## REMARKS/ARGUMENTS

### Claim Amendments

The Applicant has amended claims 21, 24, 27, and 31. Applicant respectfully submits no new matter has been added. Accordingly, claims 21-36 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

### Claim Rejections – 35 U.S.C. § 103 (a)

Claims 21-36 and 38-40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kurzeja (US Patent No. 6633982) in view of Lorello (US Patent No. 6751463). The Applicant respectfully traverses the Examiner's rejections and submits the following remarks for the Examiner's favorable reconsideration. The Applicant has further amended independent claims 21, 27, and 31 to more clearly and distinctly claim the subject matter which the Applicant considers as his invention. In addition, claims 38-40 stand rejected, however claims 38-40 were canceled in a previous amendment.

The Applicant has amended claim 21 which now recites that the first part of the content file is an unencrypted portion of the content file and the second part is an encrypted portion of the content file. Support for this amendment is found page 2, lines 25-30 of the Applicant's specification.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. **Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations (MPEP 2143).** In that regard, the Applicant respectfully submits that the Examiner's cited references still fail to teach or suggest each and every element of the presently pending independent claims.

The present invention discloses and claims an arrangement and method for secure data transmission. The present invention is directed to an arrangement having a sender for transmitting a content file to an end user terminal. The sender divides the

content file into a first unencrypted part and a second encrypted part. The first part is an unencrypted **portion** of the content file and is sent to the end user terminal via at least one cache server. The second part is encrypted without using the cache server. The second part is an unencrypted **portion** of the content file. A security server provides a key necessary for decrypting the encrypted second part. The second part is sent separately from the first part to the terminal. The key is sent to the end user via a network different than the network utilized for sending the first and second parts. The key is sent via a short message service (SMS) network and the key is included in a short message service message.

Kurzeja discloses a system and method for managing electronic distribution of digital movies wherein the movie bifurcated into two encrypted sections for transmission to an end user. Kurzeja fails to disclose sending only a **portion** of a content file as an encrypted part to the end user. Kurzeja clearly discloses encrypting both parts (i.e., the entire movie).

Kurzeja fails to disclose encrypting only a portion of the bifurcated digital movie. On the other hand, the Applicant's invention provides an arrangement which provides a secure communication of a content file without overwhelming the network resources. Specifically, if the entire file is encrypted (as taught in Kurzeja), more resources are utilized in the transmission of the encrypted content file. The Applicant's invention solves this problem by only encrypting a portion of the content file.

The Examiner cites the Applicant's background as disclosing the use of a cache server to achieve a faster and more efficient data transmission. The Applicant agrees. However, the Examiner stated it would have been obvious to one of ordinary skill in the art to send the first part of the content file to the receiver via a cache server. However, as recited in claim 1, only the unencrypted part is sent to the cache server. The present invention is not sending both parts to the cache server, just the first unencrypted part. In addition, Kurzeja teaches against the use of the cache server because both parts are encrypted.

The Examiner also stated that Lorello teaches a method for intelligent delivery and storage of various information service messages to a subscriber, including the use

of short message service messages. The Examiner further stated that it would have been obvious to one of ordinary skill in the art to modify the teachings of Kurzeja with the SMS network of Lorello in order to deliver the decryption key through an SMS network. The Applicant respectfully disagrees. Kurzeja is silent on the transportation of a key, which infers that the end user has possession of the key rather than receiving a transmitted key. Kurzeja does not provide any motivation for transporting a key since the system of Kurzeja does not discuss the key. In addition, the use of an SMS network is quite distinct from the technologies utilized in Kurzeja (i.e., satellite and Internet versus SMS network). Because of the distinct technological industries, Kurzeja is non-analogous art in comparison to Lorello. Therefore, the combination of Kurzeja and Lorello is improper.

The Applicant respectfully submits that the limitations of having a first portion of the content file being unencrypted and the second portion of the content file being encrypted is simply not taught or suggest by Kurzeja, Lorello or Applicant's admitted art. In addition, the combination of Kurzeja and Lorello is improper. Independent claims 27 and 31 recite limitations analogous to claim 21 and also are not taught or suggested in the cited references.

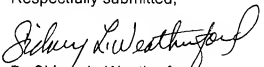
Claims 22-26 depend from amended claim 21 and recite further limitations in combination with the novel elements of claim 21. Claims 28-30 depend from amended claim 21 and recite further limitations in combination with the novel elements of claim 21. Claims 32-36 depend from amended claim 31 and recite further limitations in combination with the novel elements of claim 31. Therefore, the allowance of claims 21-36 is respectfully requested.

## CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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